

## **REMARKS**

### **Statement Regarding Amendment Submitted on February 3, 2005**

On February 3, 2005, an amendment was submitted for the above-referenced patent application. This amendment was submitted by counsel representing Intel Corporation. However, Intel Corporation did not own the application at the time the amendment was filed. A copy of the Patent Assignment Abstract of Title is attached as evidence of the assignment of the above-referenced application to BlackArrow, Inc, the present owner. Notably, the assignment was executed on November 2, 2004, which is before the date the aforementioned amendment was submitted. Since the amendment was filed inadvertently, by a party that no longer owned the application, the amendments and remarks of the February 2005 submission are a nullity, should be ignored, and have no force or effect with respect to the current patent owner.

### **Section 102 Rejection**

In the Office action, each independent claim was rejected under 35 U.S.C. § 102(e) as being anticipated by Zigmond. In this amendment, claims 1-26 are canceled and claims 27-32 are added. Support for the new claims may be found at least in the detailed description section of the specification at page 4, lines 23-29, page 5, lines 7-15, page 6, lines 1-18, and page 9, line 9, through page 10, line 21, and corresponding figures. Support for the new claims is not limited to the aforementioned recitations.

Claim 27 calls for caching the content and the advertisement and finding a place to fit the advertisement into the content before continuing to output the content for display.

Through the use of the cached content, it is possible to determine where to fit in the advertisement into the content in an effective fashion. Without such a system (which enables a decision in advance of how to position the advertisement into the content), it would be extremely difficult, if not impossible, to accurately position the advertisement within the content stream at the correct location. By the time it was decided where to put the content in, the content being displayed would already have moved to a different portion of the display.

In the cited reference to Zigmond, it is clear that the insertion is done as the content is being displayed. A switch is simply used to interrupt the content and to begin the display of the advertisement. No caching system is provided which would enable the decision, about how to fit the advertisement into the content, to be made effectively in advance. In other words, since there

is no caching of the content stream, there is no ability to find a fit for the advertisement before the content continues to be output for display.

While there are various caches which are disclosed within the Zigmond reference, for example, these caches are either for the advertisement itself or for an electronic programming guide. The electronic programming guide is used to make assessments as to which advertisements to insert. There is no caching of the content into which the advertisement will be inserted. Moreover, there is no use of an identifier as claimed.

In view of these remarks, the application should now be in condition for allowance and the Examiner's prompt action is respectfully requested.

### **Section 103 Rejection**

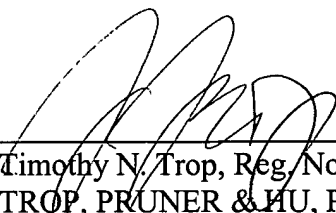
The Section 103 rejection based on Zigmond and Gadkari is traversed under Section 103(c) since Gadkari and the present application were commonly owned. The application and the reference were, at the time the invention was made, owned by or subject to an obligation of assignment to, the same person. See M.P.E.P. § 706.02(1)2.

### **CONCLUSION**

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

Date: May 4, 2005



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## Patent Assignment Abstract of Title

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## Total Assignments: 2

Patent #: NONE

Issue Dt:

Application #: 09766133

Filing Dt: 01/19/2001

Publication #: US20020100062

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Inventors: Jonathan E. Lowthert, Oleg Rashkovskiy

Title: Content with advertisement information segment

## Assignment: 1

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Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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## Assignment: 2

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